

13, 2007. The Act increased the FAA mandatory retirement age for pilots to age 65. However, the change did nothing to help those pilots who had already retired. As such, pilots who retired while the FAA age 60 rule was in effect are still denied the maximum pension benefit administered by the PBGC and are unable to rejoin the workforce as pilots.

The conflicting FAA and PBGC requirements have had a substantial adverse effect on thousands of retired pilots. In general, these pilots have had their maximum retirement benefit reduced by one-third. For example, the maximum benefit from the PBGC for someone that retired at age 65 in 2006 is \$47,659 a year. For those who retired at age 60 of that same year, the maximum is \$30,978. Our legislation ends this unfair penalty. The Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act would direct the PBGC to calculate pension benefits based on retirement eligibility beginning at age 60 instead of age 65 for retired pilots whose pensions are affected by the discrepancy between the FAA and PBGC retirement requirements. We must pass this bill to provide some relief for pilots from Aloha Airlines, Delta, TWA, United Airlines, and US Airways, as well as other pilots who have had their pensions terminated and taken over by the PBGC and suffer from this wrongly imposed penalty.

I urge my colleagues to support this bill so that we can finally correct this wrong.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 998

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act".

#### SEC. 2. AGE REQUIREMENT FOR AIRLINE PILOTS.

(a) SINGLE-EMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(3)) is amended by inserting at the end the following: "If, at the time of termination of a plan under this title, or at the time of freezing benefit accruals under a plan pursuant to subsections (a)(1) and (b) of section 402 of the Pension Protection Act of 2006, regulations prescribed by the Federal Aviation Administration required an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this paragraph shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65. The calculation of benefit liabilities and unfunded benefit liabilities under this section, and the allocation of assets under section 4044, shall not reflect any additional benefits the corporation must guarantee due to the application of the preceding sentence."

(b) AGGREGATE LIMIT ON BENEFITS GUARANTEED; CRITERIA APPLICABLE.—Section 4022B(a) of the Employee Retirement Income

Security Act of 1974 (29 U.S.C. 1322b(a)) is amended by adding at the end the following: "If, at the time of termination of a plan under this title, or at the time of freezing benefit accrual under a plan pursuant to subsections (a)(1) and (b) of section 402 of the Pension Protection Act of 2006, regulations prescribed by the Federal Aviation Administration required an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this subsection shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65."

#### SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to benefits payable on or after the date of enactment of this Act.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. HATCH, Mr. RISCH, and Mr. CORNYN):

S.J. Res. 12. A joint resolution proposing an amendment to the Constitution of the United States to give States the right to repeal Federal laws and regulations when ratified by the legislatures of two-thirds of the several States; to the Committee on the Judiciary.

Mr. ENZI. Mr. President, I rise today to discuss the growing burdens placed on states by our Federal Government in recent years and how we can stop this trend.

Our States have faced many Federal mandates in recent years that have hurt, not helped, the citizenry of our country. In 2009 alone, the Federal Government issued over 3,300 new rules and regulations. This puts the total number of Federal rules and regulations placed on our States and citizens at around 75,000 as of 2010. In addition, incredible price tags have been placed on our citizens due to these laws and regulations. Our country is facing trillions of dollars in debt and forcing further expenses onto our taxpayers is inexcusable.

This Federal top-down approach does not encourage a strong economy. States and local governments should have the ability to address the needs of their citizens in ways that actually fix the problem without their hands being tied by burdensome Federal rules, regulations, and laws. I have always believed that the ingenuity of individuals should not be hampered and top-down approaches do just that. As of now, states have one recourse, go through the court system which is already backlogged.

No matter who has the political power within our Federal Government, States need to have the ability to force the Federal Government to reconsider laws and regulations that do not support them. Providing states with the option of repealing any Federal law or regulation is the next step. Allowing a repeal option would also institute a check against egregious congressional actions and especially un-elected bureaucratic action.

Today, I am introducing the Repeal Amendment to address this issue. My colleague Representative ROB BISHOP

of Utah is introducing this important piece of legislation in the House of Representatives so that we can give the states a real voice. Allowing States the option to say no will allow them the breathing room to decide what policies are best for them.

The Repeal Amendment would allow States to remove unnecessary and burdensome Federal laws and regulations. When 2/3 of the States collectively find a Federal law or regulation so out of touch and destructive, they will have the power to repeal it if they so choose.

States must be given back their role as an equal partner in addressing the needs and issues of the people of the United States. The growing Federal Government must be put in check and I believe that the Repeal Amendment will do just that.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 181—DESIGNATING MAY 15, 2011, AS "NATIONAL MPS AWARENESS DAY"

Mr. GRAHAM (for himself, Mr. CONRAD, Mr. BURR, Mr. INOUE, Mr. BEGICH, Mr. KERRY, and Ms. MURKOWSKI) submitted the following resolution, which was considered and agreed to:

S. RES. 181

Whereas mucopolysaccharidosis (referred to in this resolution as "MPS") are a group of genetically determined lysosomal storage diseases that render the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas MPS diseases cause complex carbohydrates to be stored in almost every cell in the body and progressively cause cellular damage;

Whereas the cellular damage caused by MPS—

(1) adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system; and

(2) often results in intellectual disabilities, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas symptoms of MPS are usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas research has resulted in the development of limited treatments for some MPS diseases;

Whereas promising advancements in the pursuit of treatments for additional MPS diseases are underway as of the date of agreement to this resolution;

Whereas, despite the creation of new remedies, the blood-brain barrier continues to be a significant impediment to effectively treating the brain, which prevents the treatment of many of the symptoms of MPS;

Whereas the quality of life of the individuals afflicted with MPS, and the treatments available to those individuals, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS diseases;

Whereas the lack of awareness about MPS diseases extends to individuals within the medical community;

Whereas the cellular damage that is caused by MPS makes MPS a model for the study of many other degenerative genetic diseases; and

Whereas the development of effective therapies and a potential cure for MPS diseases can be accomplished by increased awareness, research, data collection, and information distribution: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 15, 2011, as “National MPS Awareness Day”; and

(2) supports the goals and ideals of “National MPS Awareness Day”.

SENATE RESOLUTION 182—EXPRESSING THE CONDOLENCES OF THE UNITED STATES TO THE VICTIMS OF THE DEVASTATING TORNADOES THAT TOUCHED DOWN IN THE SOUTH IN APRIL 2011, COMMENDING THE RESILIENCY OF THE PEOPLE OF THE AFFECTED STATES, INCLUDING THE PEOPLE OF THE STATES OF ALABAMA, TENNESSEE, MISSISSIPPI, GEORGIA, VIRGINIA, AND NORTH CAROLINA, AND COMMITTING TO STAND BY THE PEOPLE AFFECTED IN THE RELIEF AND RECOVERY EFFORTS

Mr. SESSIONS (for himself, Mr. SHELBY, Mr. ALEXANDER, Mr. CORKER, Mr. COCHRAN, Mr. WICKER, Mr. CHAMBLISS, Mr. ISAKSON, Mr. BURR, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 182

Whereas during the month of April 2011, a historic series of powerful storms and tornadoes tracked across the South;

Whereas preliminary estimates of the National Oceanic and Atmospheric Administration indicate that more than 600 tornadoes were produced by storms that occurred across the United States in April 2011;

Whereas preliminary estimates of the National Oceanic and Atmospheric Administration indicate that 305 tornadoes were produced by storms that occurred across the South during the period of April 25 through 28, 2011;

Whereas the previous record number of tornadoes occurring during the month of April was 267 tornadoes, which was set in April 1974, and the previous record number of tornadoes during any month was 542 tornadoes, which was set in May 2003;

Whereas the National Oceanic and Atmospheric Administration estimates that there were at least 358 fatalities as a result of the storms and tornadoes in April 2011;

Whereas as of the date of approval of this resolution, the number of fatalities resulting from the devastating storms and tornadoes in the State of Alabama is approaching 250;

Whereas there were 38 fatalities resulting from the devastating storms and tornadoes in the State of Tennessee;

Whereas tornadoes in the State of Mississippi resulted in at least 35 fatalities, at least 163 injuries, and at least 2,500 damaged homes, of which approximately 1,000 were severely damaged or destroyed;

Whereas as of the date of approval of this resolution, the total number of fatalities in the State of Georgia is at least 15;

Whereas tornadoes and massive storms in the Commonwealth of Virginia resulted in at

least 6 fatalities, destroyed more than 160 homes, and caused damage to more than 800 homes and businesses;

Whereas a number of tornadoes touched down in the Virginia counties of Gloucester, Goochland, Halifax, Middlesex, Pulaski, Shenandoah, and Washington;

Whereas in April 2011, devastating storms and at least 30 tornadoes resulted in 24 fatalities in the State of North Carolina;

Whereas the Tuscaloosa-Birmingham tornado of April 27, 2011, which caused at least 65 fatalities and more than 1,000 injuries, had a maximum width of 1.5 miles and a track length of 80 miles;

Whereas Smithville, Mississippi, a town of fewer than 900, lost 15 of its citizens, as well as its post office, school, city hall, most of its churches, and almost every home;

Whereas an Enhanced Fujita category 5 (referred to in this preamble as an “EF5”) tornado is defined by the National Weather Service of the National Oceanic and Atmospheric Administration as the rarest and most severe type of tornado, with sustained winds of greater than 200 miles per hour and that results in total destruction of well-built, structurally-sound buildings;

Whereas 3 of the 5 EF5 rated tornadoes recorded in the United States since 2000 occurred as part of the April 25 through 28, 2011 tornado outbreak in the States of Mississippi and Alabama;

Whereas the Washington County, Virginia tornado traveled approximately 14 miles and had a maximum path width of 2 miles;

Whereas the National Weather Service estimates that 40 tornadoes hit the State of Tennessee from April 27 through 28, 2011;

Whereas the National Weather Service has confirmed that a total of 15 tornadoes hit the State of Georgia throughout the period of April 25 through 28, 2011, including a powerful EF4 tornado which devastated the city of Ringgold, Georgia;

Whereas dozens of rural communities throughout the South, including in the States of Alabama, Mississippi, Georgia, Tennessee, Virginia, and North Carolina, have been decimated by the devastating storms and tornadoes of April 2011;

Whereas more than 500 homes were damaged or destroyed in the State of Tennessee as a result of the devastating storms and tornadoes;

Whereas the massive storms impacted cities and towns in the State of Alabama, including Arab, Berry, Birmingham, Concord, Eclectic, Forkland, Fultondale, Hackleburg, Phil Campbell, Pleasant Grove, Rainsville, and Tuscaloosa;

Whereas President Obama declared 10 counties in the State of Tennessee to be in a state of major disaster and approved the request made by Governor Haslam for Federal disaster assistance;

Whereas the tornado that swept from Monroe County, Mississippi into Marion County, Alabama and destroyed Smithville, Mississippi was—

(1) the sixth deadliest tornado ever recorded in the State of Mississippi;

(2) the first EF5 tornado recorded in the State of Mississippi since 1966; and

(3) the first EF5 tornado recorded in the United States since May 2008.

Whereas the massive storms and tornadoes caused widespread damage in the Georgian counties of Bartow, Catoosa, Cherokee, Coweta, Dade, Floyd, Gordon, Greene, Habersham, Harris, Heard, Lamar, Lumpkin, Meriwether, Monroe, Morgan, Newton, Pickens, Polk, Rabun, Spalding, Troup, Upson, Walker, and White;

Whereas the massive storms and tornadoes caused widespread damage in the North Carolina counties of Bertie, Bladen, Craven,

Cumberland, Currituck, Greene, Halifax, Harnett, Hertford, Hoke, Johnston, Lee, Onslow, Pitt, Robeson, Sampson, Tyrell, Wake, and Wilson;

Whereas the tornado that swept from Neshoba County, Mississippi to Noxubee County, Mississippi was just the second EF5 tornado recorded in the State of Mississippi since 1966;

Whereas April 27, 2011, marks the third highest number of tornado-related fatalities occurring in a single day since March 18, 1925, when a series of tornadoes caused 747 fatalities across 7 States;

Whereas as of the date of approval of this resolution, the total number of fatalities resulting from the devastating storms and tornadoes remains unknown;

Whereas the suffering and distress of thousands of people affected by the storms and tornadoes is ongoing, particularly for those who lost loved ones, homes, and livelihoods;

Whereas immediate humanitarian aid is critically needed in many of the devastated regions;

Whereas the local emergency responders, National Guard, and many ordinary citizens of the affected regions have risked their lives to save others;

Whereas throughout the crisis, doctors, nurses, and medical personnel in the affected regions worked expeditiously to ensure that hospitals, medical centers, and triage units provided needed care;

Whereas many faith-based organizations and other volunteer organizations and charities are supplying the victims of the storms and tornadoes with food, water, and shelter;

Whereas the Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina Emergency Management Agencies, the first responders in the affected communities, and countless volunteers immediately came to the aid of those affected by the storms;

Whereas the Governor of Alabama, Robert Bentley, the Governor of Tennessee, Bill Haslam, the Governor of Mississippi, Haley Barbour, the Governor of Georgia, Nathan Deal, the Governor of Virginia, Robert McDonnell, and the Governor of North Carolina, Beverly Perdue, reacted swiftly and with great leadership in the immediate aftermath of the destructive storms and tornadoes;

Whereas President Obama responded quickly and efficiently to approve the requests made by Governors Bentley, Haslam, Barbour, Deal, and Perdue for Federal disaster assistance;

Whereas in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made federal disaster assistance available for the State of Alabama and elsewhere in the South to assist in local recovery efforts; and

Whereas thousands of volunteers and government employees from across the United States have committed time and resources to help with recovery efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses the heartfelt condolences of the Senate to the families and friends of those who lost their lives, homes, and livelihoods in the tragic storms and tornadoes of April 2011;

(2) commends the resiliency and courage of the people of the affected States, including the people of the States of Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina;

(3) extends the wishes of the Senate for a full recovery for all those who were injured in the storms and tornadoes;

(4) extends the thanks of the Senate to the forecasters, first responders, firefighters, law